

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RICHARD OLIVER : CIVIL ACTION
:
v. :
:
DEPUTY FRED J. RUFFO, et al. : NO. 06-2542

M E M O R A N D U M

ROBERT F. KELLY, J. JUNE , 2006

Plaintiff, an inmate at SCI Mercer, is seeking to bring a civil action under 42 U.S.C. § 1983 without prepayment of fees. He is alleging that he was given a false misconduct charge.

_____ Pursuant to 28 U.S.C. § 1915(g), a prisoner who on three or more prior occasions while incarcerated has filed an action in a federal court that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, must be denied in forma pauperis status unless he is in imminent danger of serious physical injury at the time that the complaint is filed. Abdul-Akbar v. McKelvie, 239 F.3d 307 (3d Cir.), cert. denied, 533 U.S. 953 (2001).

Plaintiff has, prior to the instant action, filed numerous civil rights actions in this Court which were dismissed as frivolous.¹ Furthermore, nothing in this complaint suggests

1. Five of plaintiff's cases that were dismissed as frivolous in this Court are Civil Action Nos. 90-3825, 90-5876, 89-6847, 89-5780 and 89-4993. Civil Action No. 90-3825 was dismissed as frivolous by order of this Court dated June 13, 1990, and by the U.S. Court of Appeals for the Third Circuit on February 11, 1991; Civil Action No. 90-5876 was dismissed as frivolous by order of this Court dated November 5, 1990; Civil Action No. 89-6847 was dismissed as frivolous by order of this Court dated September 29, 1989; Civil Action No. 89-5780 was dismissed as frivolous by

(continued...)

that plaintiff is in any imminent danger of serious physical injury.

Accordingly, plaintiff's motion to proceed in forma pauperis will be denied. An appropriate order follows.

1. (...continued)
order of this Court dated August 18, 1989, and by the U.S. Court of Appeals for the Third Circuit on December 29, 1989, and Civil Action No. 89-4993 was dismissed as frivolous by order of this Court dated July 13, 1989.

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O R D E R

AND NOW, this day of June, 2006, in
accordance with the accompanying memorandum, **IT IS ORDERED** that
plaintiff's motion for leave to proceed in forma pauperis is
DENIED pursuant to 28 U.S.C. § 1915(g).

BY THE COURT:

/S/ ROBERT F. KELLY, J.